

### **REMARKS**

The Office Action dated March 6, 2006 has been received and carefully noted. The above amendments to the claims and the following remarks are submitted as a full and complete response thereto.

In accordance with the foregoing, claims 1, 14, and 27 have been amended to improve clarity of the features recited therein and new claims 42-46 have been added. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-46 are pending and under consideration.

### **REJECTION UNDER 35 U.S.C. § 112:**

In the Office Action, at page 2, claims 1, 14, and 27 are rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness.

In response, claims 1, 14, and 27 have been amended to improve clarity and antecedent support.

Accordingly, it is respectfully requested that the § 112, second paragraph rejections to the claims be withdrawn.

### **REJECTION UNDER 35 U.S.C. § 102:**

*In the Office Action, at page 2, claims 1-7, 9, 13-20, 22, 26-33, 35, 39, and 40 were rejected under 35 U.S.C. § 102 as being anticipated by U. S. Patent No. 6,792,283*

*to Roberts (“Roberts”). The Office Action took the position that Roberts describes all the recitations of independent claims 1, 14, and 27 and related dependent claims. This rejection is traversed and reconsideration is requested.*

Independent claim 1, upon which claims 2-13 are dependent, recites a method for deciding on handover in a cellular communication system comprising cells and a mobile station having a connection to at least a first cell providing a certain data transfer rate, comprising a bit rate, to the mobile station. The method includes collecting bit rate information related to the mobile station, and using the bit rate information for deciding on handover of the mobile station from the first cell to a second cell.

Independent claim 14, upon which claims 15-26 are dependent, recites a cellular communication system comprising cells, and a mobile station having a connection to at least a first cell providing a certain data transfer rate, comprising a bit rate, to the mobile station. The system is configured to collect bit rate information related to the mobile station, and use the bit rate information for deciding on mobile station handover from the first cell to a second cell.

Independent claim 27, upon which claims 28-41 are dependent, recites a system element controlling handovers in a cellular communication system comprising cells and a mobile station having a connection to at least a first cell providing a certain data transfer rate, comprising a bit rate, to the mobile station. The system element is configured to collect bit rate information related to the mobile station, and use the bit rate information for deciding on handover of the mobile station from the first cell to a second cell.

As will be discussed below, Roberts fails to disclose or suggest the elements of any of the presently pending claims.

Roberts generally describes a method of selecting cells in a cellular mobile radio system. Roberts is particularly concerned with cell selection during access to a cellular mobile radio network for making a call when the network includes different types of cell in which different types of service are available. See column 1, lines 35-39. In the method disclosed by Roberts, it is decided whether or not to hand over a call to a cell of another type being a better cell in terms of services depending on the type of service required for the call in question. See column 3, lines 3-5. In addition, referring to FIG. 2 of Roberts, it is described that in step 3, it is decided whether or not to hand over the call to a cell of another type constituting a better cell in terms of service. See column 4, lines 19-24.

Clearly, Roberts fails to teach collecting or to collect “bit rate information related to the mobile station;” and using or to use “the bit rate information for deciding on handover of the mobile station from the first cell to a second cell,” as recited in independent claims 1, 14, and 27. Rather than deciding on the handover using a bit rate, Roberts specifically provides in FIGS. 1 and 2 and corresponding description that the handover is decided using better services offered by a cell.

Roberts does not teach or suggest collecting bit rate information related to the mobile station. Also, Roberts does not teach or suggest using such collected information

for deciding on a handover. Rather, Roberts describes deciding on the handover on the basis of the type of service required for the call and the type of cell.

Because independent claims 42-46 include similar claim features as those recited in independent claim 1, for instance, although of different scope, the arguments presented above supporting the patentability of independent claim 1 are incorporated herein to support the patentability of independent claims 42-46.

For at least the reasons discussed above, Applicants respectfully submit that the cited reference of Roberts fails to disclose or suggest all of the elements of the claimed invention. These distinctions are more than sufficient to render the claimed invention unanticipated. It is therefore respectfully requested that all of claims 1-7, 9, 13-20, 22, 26-33, 35, 39, and 40 be allowed, and this application pass to issue.

**REJECTION UNDER 35 U.S.C. § 103:**

*In the Office Action, at page 6, claims 8, 21, and 24 were rejected under 35 U.S.C. § 103 as being unpatentable over Roberts in view of U.S. Patent No. 6,907,244 to Santhoff et al. ("Santhoff"). The Office Action took the position that Robert discloses all of the elements of the base claims of dependent claims 8, 21, and 24, with the exception of a sub-area within a cover area. The Office Action then relies upon Santhoff as allegedly curing this deficiency in Roberts. The rejection is respectfully traversed for the reasons which follow.*

As will be discussed below, Roberts and Santhoff fail to disclose or suggest the elements of any of the presently pending claims.

Dependent claim 8 depends from independent claim 1 and recites the additional features of “defining sub-areas within the coverage area of the system, and defining preferable bit rates for each sub-area, whereby so defined sub-area information is used when deciding on handover of the mobile station,” dependent claim 21 depends from independent claim 14 and recites the additional features of “wherein the system is further configured to define sub-areas within the coverage area of the system and preferable bit rates for each sub-area, whereby the system is configured to use so defined sub-area information when deciding on handover of the mobile station,” and dependent claim 24 depends from independent claim 14 and recites the additional features of “wherein the predetermined condition requires that the bit rate is lower than a predetermined limit value, higher than a predetermined limit value or between two pre-determined limit values.” Because the combination of Roberts and Santhoff must teach, individually or combined, all the recitations of the base claim and any intervening claims of dependent claims 8, 21, and 24, the arguments presented above supporting the patentability of independent claim 1 and 14 over Roberts are incorporated herein.

Santhoff generally describes a mobile ultra-wideband method and device to effectively link and maintain an acceptable level of service and coverage while simultaneously handling multiple data streams and multiple users. See column 2, lines

55-65. FIG. 4 demonstrates that when a mobile unit 70 passes from one sector 50 to another 80 within the coverage area 20 of a single base station 10, the base station 10 will complete a “soft hand-off” as channel re-assignment is accomplished.

However, Santhoff does not cure the deficiencies of Roberts. Similarly to Roberts, Santhoff is devoid of any teaching or suggestion providing collecting or to collect “bit rate information related to the mobile station;” and using or to use “the bit rate information for deciding on handover of the mobile station from the first cell to a second cell,” as recited in independent claims 1 and 14. A combination of Roberts and Santhoff would be deficient as to teaching or suggesting all the recitations of base independent claim 1, from which claim 8 depends from, and base independent claim 14, from which claims 21 and 24 depend from.

Accordingly, for at least the reasons discussed above, Applicants respectfully submit that the cited reference of Roberts and Santhoff fail to disclose or suggest all of the elements of the claimed invention. These distinctions are more than sufficient to render the claimed invention unobvious. It is therefore respectfully requested that independent claims 1 and 14 and related dependent claims 8, 21, and 24 be allowed, and this application pass to issue.

Finally, the Office Action objected to claims 10-12, 23-25, and 36-38 as being dependent upon a rejected base claim but would be allowable if rewritten in independent form. As discussed above, Applicants respectfully submit that all of the presently

pending claims are allowable in their current form. As such, claims 10-12, 23-25, and 36-38 have not been amended.

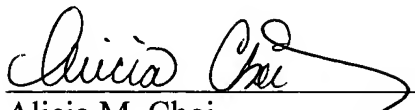
**CONCLUSION:**

In view of the above, Applicant respectfully submits that the claimed invention recites subject matter which is neither disclosed nor suggested in the cited prior art. Applicant further submits that the subject matter is more than sufficient to render the claimed invention unobvious to a person of skill in the art. Applicant therefore respectfully requests that each of claims 1-9, 13-22, 26-35, and 39-41 be found allowable and, along with allowed claims 10-12, 23-25, and 36-38, this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the Applicant respectfully petitions for an appropriate extension of time.

Respectfully submitted,

  
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Enclosures: Additional Claim Fee Transmittal  
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